

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FRANKIE MONEGRO,  
*on behalf of himself and all others similarly  
situated*  
-----X

: Plaintiff,

: -against-

ALCHEMER LLC,  
-----X

: Defendant.

DOC #: \_\_\_\_\_ 8/18/2021

DATE FILED: \_\_\_\_\_ 8/18/2021

21-CV-4191 (VSB)

**ORDER**

**VERNON S. BRODERICK, United States District Judge:**

On August 17, 2021, Defendant filed a motion to dismiss the complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (Doc. 11.) Under Federal Rule of Civil Procedure 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Accordingly, it is hereby:

ORDERED that Plaintiff shall file any amended complaint by September 7, 2021. It is unlikely that Plaintiff will have a further opportunity to amend.

IT IS FURTHER ORDERED that if no amended complaint is filed, Plaintiff shall serve any opposition to the motion to dismiss by September 16, 2021. Defendant's reply, if any, shall be served by September 30, 2021.

SO ORDERED.

Dated: August 18, 2021  
New York, New York



Vernon S. Broderick  
United States District Judge